## APPENDIX A.

26TH JUDICIAL DISTRICT COURT, WEBSTER PARISH, LOUISIANA.

No. 10,523.

C. W. McCollum, et al., Plaintiffs,

vs.

Louisiana & Arkansas Railway Company, et al., Defendants.

Motion.

Now into Court comes System Federation Number 59 of the Railway Employees Department of the American Federation of Labor, made defendant herein, appearing herein solely for the purpose of this motion, and shows to the court that the petition filed by plaintiffs should be dismissed and the order for temporary restraining order heretofore issued should be vacated, for the following reasons, towit:

I.

That on March 22, 1939, a complaint was filed in the United States District Court for the Western District of Louisiana entitled System Federation Number 59 of the Railway Employees Department of the American Federation of Labor *v.* Louisiana & Arkansas Railway Company, which cause bears Civil Action Docket #75 of said court, which action was filed pursuant to the provisions of the Act of Congress of May 20, 1926, as amended June 21, 1934, U. S. Code, Title 45, Chapter 8, 44th. Stat. 577; 48 Stat. 926; 48 Stat. 1185, commonly called the Railway Labor Act.

That such complaint has for its object the enforcing, in all of its phases, Award Number 281 of the National Railroad Adjustment Board, heretofore obtained by the mover herein against the said Railway Company.

That because of the filing of such action and its objects petitioners suit for injunction herein would be futile and powerless.

That petitioner has the remedy of intervening in the said suit filed in Federal Court and of presenting his complaint for adjudication therein.

II.

That on the 23rd day of February, 1939, at a conference between counsel for your mover and Hon. A. S. Drew, counsel for petitioners herein, the following agreement relative to the dismissal of this suit was reached:

(a) A stipulation by counsel for petitioners and for both defendants was to be prepared and filed continuing in full force and effect the temporary restraining order, theretofore made returnable on February 24th, 1939, until March 30, 1939 without the necessity of petitioners renewing same at ten day intervals, as provided by law.

(b) That the filing of a petition by your movers in the United States District Court aimed at the judicial enforcement of the said Award No. 281 of the National Railroad Adjustment Board within the period between February 24, 1939 and March 30, 1939, would not constitute a violation of the restrictions placed upon your movers by the restraining order.

(c) That immediately upon the filing of said petition by your mover in the said United States District Court the said Mr. A. S. Drew would thereupon dismiss his suit for injunction herein and that the temporary restraining order was to be vacated. Mr. Drew giving as his reasons that he would then have an opportunity to intervene in the United States Court and have his complaint passed upon.

That such stipulation was filed as set forth in (a) above, and your mover did, on March 22, 1939, file in the United States District Court its action as set forth in paragraph 1 herein; and that this suit for injunction has not been dismissed as promised by Mr. Drew, although ample time has been given for such dismissal.

Your Mover Therefore Prays that this suit for injunction be dismissed at Plaintiff's costs and that the tempo-

rary restraining order heretofore issued herein be vacated.

And for all general and equitable relief, etc.

FLOYD D. CULBERTSON, JR.,
*Attorney for Mover.*

STATE OF LOUISIANA
Parish of Webster:

Before me, the undersigned authority, personally appeared Floyd D. Culbertson, Jr., who, after being by me duly sworn, deposed and said:

That he is attorney for System Federation Number 59 of the Railway Employees Department of American Federation of Labor, mover herein, and that he has read the foregoing motion and that all the facts and allegations contained therein are true and correct to the best of his knowledge and belief.

FLOYD D. CULBERTSON, JR.

Sworn to and subscribed before me this the 5th day of June, 1939.

JOHN T. CAMPBELL,
*Notary Public.*

Endorsed: Filed June 5th, 1939.

26TH JUDICIAL DISTRICT COURT, WEBSTER PARISH, LOUISIANA.

No. 10,523.

C. W. McCOLLUM et al.,

*vs.*

LOUISIANA AND ARKANSAS RAILWAY COMPANY et al.

Judgment.

The motion to dismiss this proceeding was called to trial and submitted. After the trial of the motion, counsel for the Plaintiff and Defendants entered into the following Agreement; Counsel for defendants agreed that a Preliminary Writ of Injunction be issued in this case upon

plaintiffs furnishing bond in the sum of $100.00 conditioned as the law directs with the understanding that when the suit in the United States District Court for the Western District of Louisiana is put at issue for trial on the merits that then the plaintiffs in this cause #10523 will immediately intervene in the suit in the United States District Court wherein System Federation #59 Railway Employees Department of American Federation of Labor and certain individuals are plaintiffs and the Louisiana & Arkansas Railway Company are defendant and will dismiss this suit #10523.

With this understanding and ageement it is ordered that a preliminary writ of injunction issue in this cause upon the plaintiffs furnishing bond in the sum of $100.00 conditioned as the law directs. The preliminary injunction to remain in force subject to trial on the merits unless dismissed as above provided.

Judgment rendered, read and filed and signed at Minden, Louisiana, in open court on this the 7th day of June, 1939.

J. F. McInnis,
*Judge.*

Endorsed: Filed June 6, 1939.

26TH JUDICIAL DISTRICT COURT, WEBSTER PARISH, LOUISIANA.

No. 10,523.

Temporary Injunction.

C. W. McCollum et al.

*versus*

Louisiana & Arkansas Railway Company et al.

The State of Louisiana, to the System Federation No. 29, Railway Employees Department of American Federation of Labor; S. E. Stephens, Chairman, of Webster Parish, Louisiana:

You are hereby temporarily enjoined, restrained and prohibited in the name of the State of Louisiana, and of the

twenty-sixty Judicial District Court for the Parish of Webster, from in any wise compromising, settling or adjusting Award No. 281 of the National Railroad Adjustment Board, or in any wise interfering with the employment of plaintiffs in this suit, with Louisiana & Arkansas Railway Company, and to maintain in force and effect the plaintiffs' relations with the Louisiana & Arkansas Railway Company.

And you are so to remain temporarily enjoined, restrained and prohibited until the further orders of this Honorable Court.

Witness the Honorable J. F. McInnis, Judge of our said Court at Minden, Louisiana, this June 8, 1939.

W. C. McKINNEY,
*Dy. Clerk, D. C.*

The above Writ of Injunction was served on System Federation No. 59, through S. E. Stephens, Chairman, on June 10, 1939, by P. M. Hough, Dy. Sheriff, Webster Parish, La. Endorsed: Filed, June 12, 1939.

The above writ was served on Louisiana & Arkansas Railway Company through C. P. Couch, President, on June 12, 1939, by R. C. Picking, Dy. Sheriff, Caddo Parish, La. Endorsed: Filed, June 13, 1939.

Bond, in the amount of $100.00 with plaintiffs as principal and R. H. Miller, as Surety, dated June 7, 1939, conditioned upon the temporary writ of injunction being rightfully obtained, filed June 8, 1939.